

**ENTERED**

July 18, 2022

Nathan Ochsner, Clerk

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF TEXAS  
HOUSTON DIVISION

UNITED STATES OF AMERICA,	§	
	§	
	§	
<i>Plaintiff-Respondent,</i>	§	
	§	Civil No. 4:20-cv-02459
v.	§	Criminal No. 4:18-00043
	§	
NOEL RESENDEZ,	§	
	§	
	§	
	§	
<i>Defendant-Movant.</i>	§	

**ORDER**

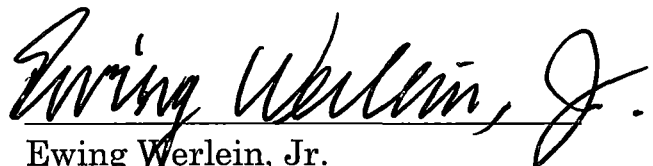
Pending is Noel Resendez's Motion Under 28 U.S.C. § 2255 to Vacate, Set Aside, or Correct Sentence (Civ. Dkt. 2; Crim. Dkt. 59) and the United States' Motion to Dismiss (Civ. Dkt. 6; Crim. Dkt. 66). The Court has received from the Magistrate Judge a Memorandum and Recommendation recommending that the United States' Motion to Dismiss be granted and Resendez's § 2255 Motion be denied and dismissed with prejudice. Civ. Dkt. 9; Crim. Dkt. 68. Resendez did not file objections to the Magistrate Judge's recommendation.

The Court, after having made a *de novo* determination of the motions and the Memorandum and Recommendation, is of the opinion that the findings

and recommendations of the Magistrate Judge are correct and should be and hereby are accepted by the Court in their entirety.

Accordingly, it is **ORDERED** and **ADJUDGED** for the reasons set forth in the Memorandum and Recommendation of the United States Magistrate Judge signed and filed on January 24, 2022, which is adopted in its entirety as the opinion of this Court, that the United States' Motion to Dismiss (Dkt. 66) be **GRANTED**, and Resendez's § 2255 Motion be **DISMISSED WITH PREJUDICE**.

Signed on July 18, 2022, at Houston, Texas.

  
Ewing Werlein, Jr.  
United States District Judge